IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 31183 of 2004(K)

PETITIONER:

M.X. ANTY, (L.P.S.A. RETIRED) S/O. XAVIER, RESIDING AT MARATHINGAL HOUSE, KUMBALANGHI SOUTH P.O., KOCHI-7.

BY ADV. SRI.N.N.SUGUNAPALAN

RESPONDENTS:

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1. **ASSISTANT EDUCATIONAL OFFICER, MATTANCHERRY.**

2. **ASSISTANT ACCOUNTANT GENERAL, OFFICE OF THE ACCOUNTANT GENERAL (A & E), KERALA, TRIVANDRUM.**

3. **SENIOR ACCOUNTS OFFICER, OFFICE OF THE ACCOUNTANT GENERAL, KERALA, M.G. ROAD, TRIVANDRUM.**

4. **STATE OF KERALA, REPRESENTED BY THE SECRETARY, GENERAL EDUCATION DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.31183/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER DT.18.9.98 ISSUED BY THE 1ST RESPONDENT TO THE PETITIONER.

EXT.P2:- COPY OF THE GOVT. CIRCULAR DT.6.3.98.

EXT.P3:- COPY OF THE PROCEEDINGS OF THE 1ST RESPONDENT DT.7.11.98.

EXT.P4:- COPY OF THE JUDGMENT IN OP. NO.23752/98 DT.16.7.02.

EXT.P5:- COPY OF THE PROCEEDINGS OF THE 2ND RESPONDENT DT.10.5.03.

EXT.P6:- COPY OF THE REPRESENTATION DT.23.6.03 SUBMITTED BY PETITIONER BEFORE THE RESPONDENTS.

EXT.P7:- COPY OF THE REPRESENTATION DT.5.11.03 SUBMITTED BY PETITIONER BEFORE THE RESPONDENTS.

EXT.P8:- COPY OF THE STATEMENT SHOWING INTEREST DUE TO THE PETITIONER DT.3.11.03.

EXT.P9:- COPY OF THE ORDEROF THE 3RD RESPONDENT DT.6.2.04.

/TRUE COPY/

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KURIAN JOSEPH, J.

W.P.(C) No.31183 of 2004

Dated this the 16th day of March, 2007.

JUDGMENT

Counting of broken spells for the purpose of service benefits prior to 1979 is an issued covered in favour of the petitioner in the decision of this Court reported in **Sobhana** v. **State of Kerala** (2004 (3) KLT 131).

2. Therefore, this writ petition is disposed of directing the first respondent to grant the benefit of broken spells of services rendered by the petitioner prior to 1979. The needful in the light of the decision referred to above shall be done within a period of two months from the date of production of a copy of this judgment along with a copy of the judgment referred to above. The consequential benefits and fixation of pension and disbursement of the service benefits shall also be done within another one month. In the event of disbursement of the above benefits beyond the said period the petitioner will be entitled to interest at the rate of 12% per annum from the date of retirement and the officers responsible for the delay will be personally liable for the interest amount.

KURIAN JOSEPH, JUDGE

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